

### **REMARKS**

Claims 20-27, 29-42 and 44-55 are all the claims pending in the application. Claims 20 and 35 are being amended. Claims 50-55 are being added.

#### **I. Claim Amendments**

The Applicant herein amends claims 20 and 35 to describe how “the SMS messages and at least one alternative handling instruction are managed in an SMS Center (“SMSC”) in a network.” Support for this amendment is found in the Summary of the Invention section of the Specification on page 7 and in the Description of the Preferred Embodiment section on page 9, paragraph 2 – page 10, paragraph 1.

The Applicant also adds claims 50-51 directed to the subject matter of previously-canceled claims 28 and 43, discussing where the content of the SMS message is used to select the appropriate alternative handling instruction from the plurality of alternative handling instructions. Support for these claims is found in the Description of the Preferred Embodiment section of the Specification at the bottom of page 13 and top of page 14.

Finally, the Applicant is adding claims 52-55, directed to the Auto Reply Message Server (“ARMS”) and the SMS Automatic Handling Server (“SAHS”). Support for these claims is found in the Description of the Preferred Embodiment section of the Specification on page 9, paragraph 2.

#### **II. Claim Rejection: 35 USC §102**

##### **a. Kraft Reference**

The Examiner rejected claims 20, 25, 35 and 40 under 35 USC §102(e) as being anticipated by Kraft (US 6,424,829 B1). The Applicant respectfully disagrees, and submits that the amendments to claims 20 and 35 render the rejection under 35 USC §102(e) moot.

The Applicant herein amends claims 20 and 35 to describe how the SMS messages and alternative handling instructions are managed in an SMS Center (“SMSC”) in a network. The management of the alternative handling instructions in the SMSC in the network contrasts with Kraft, which requires management of messages at a wireless telecommunication terminal, such as a mobile phone or device.

Kraft explicitly states that “the invention relates to a method and *a wireless communication terminal* (100) for handling location independent short messages.” *Kraft*, Abstract (emphasis added). More specifically, Kraft describes how the message folders for sorting message is located on the terminal, stating that “at least one of the terminals 100 is provided with a message folder...to place and/or store short messages in.” *Kraft*, col. 4, lines 24-25. Kraft then states that “the *message folder* is provided with sorting means (not shown) to select short messages...,” where “the sorting means can be a software *provided in the terminal 100*.” *Kraft*, col. 4, lines 29 – 32 (emphasis added). In contrast, the invention of claims 20 and 35 describe how the SMS messages and alternative handling instructions are managed not at the terminals but at an SMSC located in the network.

While Kraft requires the use and availability of a wireless communication terminal for the sorting and storing of messages, the invention described in claims 20 and 35 provides the alternative handling instructions through the SMSC on the network, independent of any wireless communication terminal or device. As such, the message recipient can access messages independently of a wireless telecommunications terminal device, such as through a computer terminal. Furthermore, the method for managing SMS messages described in claims 20 and 35 is available even when the message recipient’s wireless communications terminal is not available or offline.

Therefore, Kraft fails to teach the elements of claims 20 and 35. As claims 25 and 40 depend from claims 20 and 35, respectively, the Applicant submits that claims 25 and 40 are allowable at least based on their dependency to claims 20 and 35. For at least the reasons stated above, the Applicant respectfully requests that the rejection under 35 USC §102(e) be withdrawn.

**b. Takala Reference**

The Examiner additionally rejected claims 20-21, 29, 31, 33-36, 44 and 46-49 under 35 USC §102(b) as being anticipated by Takala (WO 99/53699). The Applicant respectfully disagrees for the reasons stated below.

First, Takala fails to disclose where an *SMS message* is identified for a message receiver, as stated in claims 20 and 35, as Takala only discloses receiving a *phone call* or *e-mail* for the message receiver and *replying* with an SMS message. Takala, at p. 6, lines 19-20, only discloses *sending an SMS message* as a *reply* to an incoming phone call or e-mail, as described on page 7, lines 14-28 and page 8, lines 23-28.

Second, Takala fails to disclose the elements of new claims 50 and 51, where the “content of an SMS message is used to select the appropriate alternative handling instruction from the plurality of alternative handling instructions.” In the Advisory Action dated March 19, 2008, the Examiner requested clarification as to what constitutes the claimed limitation “content” in the claims now represented by claims 50 and 51. The Applicant submits that the meaning of the “content” of a message is well known in the art as the substance of a message, such as, in one non-limiting example, the actual text intended for a message recipient in an SMS. The identifying information of the message, such as the information indicating that an SMS message is from Subscriber A, for example, would not be considered part of the content of the message.

The meaning of “content” is clear from the Specification, which first describes how an SMS message is managed based on the source of the message (describing how an alternative handling instruction may include “filtering instructions about which SMS messages to accept, which to reject and what to do with them (for example, rejecting all SMS messages that are 3 days old, or *all SMS messages from a particular source*) etc.” *Specification*, p. 13, paragraph 2 (emphasis added)). The Specification then describes how “the ARMS (18) uses the message contents as a key to choose the appropriate AHI...” *Specification*, p. 13, paragraph 2. Therefore, it is clear that the Specification distinguishes the message content of an SMS message from identifying information about the SMS message.

Therefore, since Takala only describes the use of *identifying information* of an e-mail message or phone call to determine a message response, Takala fails to disclose the elements of claims 50 and 51.

For at least the reasons stated above, the Applicant submits that Takala fails to disclose each and every element of claims 20 and 35, as well as claims 50 and 51. As claims 21-34 and 36-55 all depend from either claim 20 or 35, the Applicant submits that the remaining dependent claims are allowable at least based on their dependency to claims 20 and 35. Therefore, the Applicant respectfully requests that the rejection under 35 USC §102(b) be withdrawn.

### **III. Claim Rejection: 35 USC §103**

#### **a. Takala and Alperovich References**

The Examiner further rejected claims 22-23, 26-27, 37-38 and 41-42 under 35 USC §103(a) as being unpatentable over Takala (WO 99/53699) in view of Alperovich et al (hereinafter Alperovich) (US 6,101,393).

The Applicant first submits that claims 22-23, 26-27, 37-38 and 41-42 are allowable at least based on their dependency to claims 20 or 35. The network of Alperovich relies on a Home Location Network (“HLR”), while the invention of claims 20, 35 and its dependents is based in the network-based SMSC service.

Second, the Applicant submits that Takala and Alperovich, taken alone or in combination, fail to teach the claimed invention. The network described in Alperovich relies on the SRI\_for\_SM (“Send Routing Information for Short Message”) message containing both the originating Mobile Subscriber (“MS”) and the destination MS (as described in Fig. 1 of Alperovich). Alperovich requires the use of a Home Location Register (“HLR”) to compare the originator and destination addresses and subsequently accept or reject the message. This information is not available in a modern SMSC network, such as that described in claims 20 and 35. Specifically, the SMSC does not provide information to HLR on Mobile-Terminated (“MT”) messages, so the HLR would not possess the information on the originator or destination addresses to perform the analysis described in Alperovich.

As a result of the aforementioned limitations of the network of Alperovich, Alperovich cannot perform, and therefore does not disclose, the alternative handling instructions described in claims 22-23, 26-27, 37-38 and 41-42. Specifically, Alperovich’s detection mechanism is limited to a 1:1 relationship of comparing the Originator and Destination, whereas the invention described in claims 22-23, 26-27, 37-38 and 41-42 can compare multiple types of relationships between messages, including the suffix or country code of the message. Additionally, Alperovich is limited to simply barring a message, while the invention of the present claims provides multiple services, such as message storage and deletion (claims 26 and 41), time-based rejections (claims 23, 27, 38 and 42), context-based auto-reply and message forwarding. Finally,

the auto-reply service of the invention of the present claims can indicate to the message sender information edited by the recipient instead of the standard message delivery success or failure information.

For at least the reasons stated above, the Applicant submits that Takala and Alperovich, taken alone or in combination, fail to teach the elements of claims 22-23, 26-27, 37-38 and 41-42.

**b. Takala and Patil References**

The Examiner additionally rejected claims 24 and 39 under 35 USC §103(a) as being unpatentable over Takala in view of Patil (US 6,625,460 B1).

The Applicant refers the Examiner to the arguments presented above with regard to the rejections of claims 20 and 35, and submits that claims 24 and 39 are allowable at least based on their dependency to claims 20 and 35, respectively.

**c. Takala and Kraft References**

The Examiner then rejected claims 25 and 40 under 35 USC §103(a) as being unpatentable over Takala in view of Kraft (US 6,424,829 B1).

The Applicant refers the Examiner to the arguments presented above with regard to the rejections of claims 20 and 35, and submits that claims 25 and 40 are allowable at least based on their dependency to claims 20 and 35, respectively.

**d. Takala and Lohtia References**

Finally, the Examiner rejected claims 30, 32 and 45 under 35 USC §103(a) as being unpatentable over Takala in view of Lohtia (US 6,560,456 B1).

The Applicant first refers the Examiner to the arguments presented above with regard to the rejections of claims 20 and 35, and submits that claims 30, 32 and 45 are allowable at least based on their dependency to claims 20 and 35.

#### **IV. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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